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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
JAROENCHONWANIT, BUNJOB	
ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/891,169	TSANG ET AL.	
	Examiner	Art Unit	
	Bunjob Jaroenchonwanit	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 8/9/24.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-16 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-16 are pending for examination, the reply filed has been reviewed, the objections and rejections cited are as stated below.

2. Claim 1 was amended and overcome the rejection under 35 U.S.C. 112.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over McCollum (US. 6,427,168) and Smart Technology Enablers "SmartCIM™ to DMI Mapper" (herein after "Smart").

5. Regarding claims 1, 9 and 13, McCollum discloses a system for communications between computers in a CIM and DMI network, comprising: a proxy CIMOM in communications with a plurality of CIM client applications (McCollum, Fig.3, 68, 64 communicate with 62).

Although, McCollum does not explicitly teach the use of CIM-DMI, i.e., install the smart CIM with in the proxy-CIMOM, for interfacing between CIMOM and DMI application, but McCollum suggested that using vendor or protocol specific protocol such as DMI can be used for such communication (Col.5, line 59, Col.6, line 2). Further, in the same field of endeavor, Smart (in page 1) suggested that using SmartCIM and SmartDMI in an existing system, could enhance system flexibility, since the one can maintain investment of old technologies while implementing a latest management technologies, in which in turn would enhance system. In addition to its suggestion, Smart teaches a DMI service provider in communications with a plurality of DMI component instrumentation (Smart Fig. 2, DMI instrument, Smart DMI secure Service provider);

CIM to DMI provider connected to the proxy CIMOM and the DMI service provider to register the plurality of CIM client applications and the plurality of DMI component instrumentation, receive events from the DMI service provider, receive interrupts from the proxy CIMOM, receive information from both the proxy CIMOM and the DMI service provider and translate all said interrupts (Smart, page 2, Perform unit translation), said events, and said information into a format suitable for an intended recipient, wherein said intended recipient may be either the proxy of CIM client applications or the plurality of DMI component instrumentation."

Thus, in light of McCollum's suggestion and the benefits enlightened by Smart, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to be motivated and to combine the notion of CIM-DMI mapping with Proxy CIMOM, for interfacing, translating, interrupting, communicating and to do all other inherent or conventional functions as claimed, in order to enhance system efficiency.

6. Regarding claim 2, McCollum-Smart discloses a DMI events and CIM requests processing module to register the plurality of CIM client applications and the plurality of DMI component instrumentation, receive events from the DMI service provider, receive interrupts from the proxy CIMOM, receive information from both the proxy CIMOM and the DMI service provider (Smart, Figure, illustrated CIM Instrumentation communicated with proxy CIMOM, while DMI Instrumentation communicate with DMI provider, for communicating request and response. Further, it has been recognized that computer component either software or hardware, required interrupting signal for communication, thereto, thereby interrupts from CIMOM are inherent.).

7. Regarding claims 3 and 10-12, 14-16, McCollum-Smart discloses a CIM to DMI translation module connected to the DMI events and CIM requesting module to translate DMI requests and messages to CIM objects and to translate CIM objects to DMI requests and messages (Let alone inherency of translation module, Smart teaches unit translation, page 2).

8. Regarding claim 4, McCollum-Smart discloses a CIMOM interface provider connected to the proxy CIMOM and the DMI events and CIM requests processing module to receive CIM client application requests and transmit the CIM client application requests to the DMI events and CIM request processing module and receive CIM objects from the DMI events and CIM requests processing module and transmit the CIM objects to the proxy CIMOM (Smart Fig 2, CMI instrumentation, DMI instrumentation).

9. Regarding claims 5, McCollum-Smart discloses a DMI event callback interface module connected to the DMI service provider and the DMI events and CIM requests processing module to receive DMI events and transmit the DMI events to the DMI events and CIM requests processing module (Smart Fig 2, CMI instrumentation, DMI instrumentation).

10. Regarding claims 6, McCollum-Smart inherently discloses a CIMOM event interface connected to the proxy CIMOM and the DMI events and CIM requests processing module to transmit CIM interrupts to the proxy CIMOM translated from the DMI events received by the DMI event callback interface and transmitted by the DMI events and CIM requests processing module using the CIM to DMI translation module (Smart Fig 2, CMI instrumentation, DMI instrumentation).

11. Regarding claims 7, McCollum-Smart inherently discloses a CIM provider callback interface connected to the proxy CIMOM and the DMI events and CIM requests processing module to receive CIM requests from the plurality of CIM client applications and transmit them to the DMI events and CIM requests processing module and to transmit to the proxy CIM all the translated DMI events received from the DMI events and CIM requests processing module (Smart, Fig 2, CMI instrumentation, DMI instrumentation).

12. Regarding claims 8, McCollum-Smart inherently discloses the CIM to DMI provider further comprises: a DMI management client interface connected to the DMI service provider and the DMI events and CIM requests processing module to receive DMI requests from the DMI service provider and transmit them to the DMI events and CIM request processing module and receive from the DMI events and CIM requests processing module CIM requests translated into DMI format and transmitting the DMI formatted CIM requests to the DMI service provider (Smart Fig 2, CMI instrumentation, DMI instrumentation).

13. Applicant's arguments filed on DATE have been fully considered but they are not deemed to be persuasive. In the remarks, applicant argued in substance that

(A) Prior art does not teach Motivation to combine.

(B) Hindsight reasoning.

(C) Anticipation argument.

As to point (A), in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention

where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones,958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both McCollum sufficiently provide suggestion and motivations to combine both notions. First, McCollum suggested that the provider process 66 could be substitute by DMI protocol (Col. 5, lines. 61-67). Secondly, Smart clearly states the motivation in the middle of page 1, that Smart CIM and smart DMI could provide ultimate flexibility, letting one uses the latest management technologies while capable of maintaining an investment of old technologies. The flexibility offered by Smart is clearly one of the enhancing system efficiency, as mentioned in the previous rejection.

As to point B, In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See In re McLaughlin, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In this case the technologies that were combined both directly related and closely in the same field of endeavor. Specially, both references provided both suggestion and benefits, enough to motivate one to combine these references, as rationale set forth in the immediate paragraph above. Thus, this argument is not persuasive. Examiner maintains that the combination of the reference is not inappropriate hindsight reasoning.

As to point (C), the argument seems irrelevant to the rejection, since the claims were rejected under 35 USC 103. Further, Examiner would like to direct applicant's attention to 35 CFR §1.104 (c) (2) "In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified." (Emphasis added). Examiner found that neither the appearance nor the degree of complexity of cited references has not gone beyond comprehension or over an intelligent level of a reasonable and ordinary skill in the art to make equivalent, the teaching of McCollum and Smart, to the inherency of the claims language, i.e., McCollum and Smart are a kind of reference that explains itself, inasmuch as they are in the same field of endeavor with the claimed inventions, utilizing the same terminologies and having the same objective.

However, since Applicant objected to the rejection, Examiner, thus, provided a detail rejection as described above.

14. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bunjob Jaroenchonwanit whose telephone number is (571) 272-3913. The examiner can normally be reached on 8:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bunjob Jaroenchonwanit
Primary Examiner
Art Unit 2143

/bj
01/15/05